

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division

DOUGLAS I. HORNSBY, Administrator of
the Estate of CYNTHIA GARY,

Plaintiff,

v.

CIVIL NO. 2:22cv427

UNITED STATES OF AMERICA,

METRO MACHINE CORP., d/b/a
GENERAL DYNAMICS NASSCO-NORFOLK,

HARBOR INDUSTRIAL SERVICES, INC.,

COASTAL MECHANICAL SYSTEMS, LLC,

ADVANCED INTEGRATED TECHNOLOGIES,
LLC,

KD SHIPYARD REPAIRS, LLC,

and

CECO ENVIRONMENTAL CORP.,

Defendants.

REFERRAL ORDER

An Amended Complaint was filed on March 10, 2023. ECF No. 21. This matter now comes before the court on three (3) Motions to Dismiss the Amended Complaint, as set forth below.

Defendant, KD Shipyard Repairs, LLC ("KDSR"), filed a Motion to Dismiss, and Brief in Support, on April 28, 2023. ECF Nos. 54, 55. Plaintiff, Douglas I. Hornsby, Administrator of the Estate of Cynthia Gary ("Plaintiff"), filed a Memorandum in Opposition to Defendant KDSR's Motion to Dismiss on May 12, 2023, and KDSR filed

their Reply on May 18, 2023, and a Request for Hearing on May 19, 2023. ECF Nos. 66, 67, 69.

Defendant, Coastal Mechanical Systems, LLC ("Coastal"), filed a Brief in Support of First Motion to Dismiss, on May 4, 2023, and Plaintiff filed a Memorandum in Opposition to Defendant Coastal's Motion to Dismiss on May 18, 2023. ECF Nos. 59, 68. Coastal filed its Reply and a Request for Hearing on May 23, 2023. ECF Nos. 70, 71.

Defendant, CECO Environmental Corporation ("CECO"), filed a Motion to Dismiss Count VIII of the Plaintiff's Amended Complaint, and Memorandum of Law in Support, on May 26, 2023. ECF Nos. 73, 74. Plaintiff filed a Memorandum in Opposition on June 9, 2023, and CECO filed a Reply on June 16, 2023. ECF Nos. 77, 79.

Accordingly, pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b), it is **ORDERED** that United States Magistrate Judge Lawrence R. Leonard is designated to conduct hearings, including evidentiary hearings, if necessary, and to submit to the undersigned district judge proposed findings of fact, if applicable, and recommendations for the disposition of the Motions to Dismiss Amended Complaint. ECF Nos. 54, 59, 73.

The magistrate judge shall file his report of proposed findings and recommendations with the court, and the Clerk shall forthwith mail copies to counsel for the parties. Within fourteen

(14) days after being served with a copy of the magistrate judge's report, any party may serve and file written objections to such proposed findings and recommendations as provided by 28 U.S.C. § 636(b), Federal Rule of Civil Procedure 72(b), and the Local Rules of this court. A party may respond to another party's objections within fourteen (14) days after being served with a copy.

The Clerk is **DIRECTED** to send a copy of this Referral Order to counsel for all parties.

IT IS SO **ORDERED**.

/s/
Rebecca Beach Smith
Senior United States District Judge

-RBS-
REBECCA BEACH SMITH
SENIOR UNITED STATES DISTRICT JUDGE

August 17, 2023